

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ANNIE STEWART,**

**Plaintiff,**

**V.**

**POPEYE'S CHICKEN,  
EON PROPERTIES, LLC,  
NIKHIL MEHTA, and  
JOHN DOE 1 AND 2 INCLUSIVE.**

## Defendants.

**8:15CV381**

## FINDINGS AND RECOMMENDATION

This matter comes before the court *sua sponte*. The plaintiff filed the complaint on October 19, 2015. ([Filing No. 1](#)). The court granted the plaintiff's motion to for leave proceed *in forma pauperis* on October 20, 2015 ([Filing No. 4](#)), and on January 28, 2016, the court granted the plaintiff's motion for service by U.S. Marshal ([Filing No. 7](#)). On February 1, 2016, summons was requested and issued as to defendant EON Properties, LLC. ([Filing No. 8](#)). The plaintiff did not seek or serve summons as to any other defendant. Summons was returned executed upon the defendant EON Properties, LLC, on March 7, 2016. ([Filing No. 10](#)). The plaintiff filed an amended complaint against the same defendants named in the original complaint on March 22, 2016. ([Filing No. 9](#)). On June 21, 2016, this court entered an order requiring the plaintiff to, on or before July 5, 2016: provide evidence of service for defendants Popeye's Chicken and Nikhil Mehta; take appropriate action against EON Properties, LLC.; or show cause why this case should not be dismissed. ([Filing No. 11](#)). The court warned the plaintiff that failure to prosecute and failure to complete service may result in the dismissal of the case. The plaintiff failed to comply with the court's order and no activity has occurred in this suit since the order's issuance. Accordingly,

**IT IS HEREBY RECOMMENDED to Chief District Court Judge Laurie Smith Camp** that the plaintiff's action be dismissed as to all defendants, without prejudice, pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) and NECivR [41.2](#).

**ADMONITION**

A party may object to a magistrate judge's order by filing an objection within fourteen (14) days after being served with a copy of the findings and recommendation. Failure to timely object may constitute a waiver of any objection.

**DATED: July 11, 2016.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**